IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1028 of 2005

Between:

Sri Sai Recreation Welfare Association, Regn. No. 1699/2004 rep by its Secretary, K. Ganga Raju, S/o. Appala Raju, aged 35 years, Plot No. 57, MVP Colony, Visakhapatnam - 27,
Visakhapatnam District.

..... PETITIONER

AND

1 The Commissioner of Police, Visakhapatnam, Visakhapatnam District.
2 The Assistant Commissioner of Police (North), Visakhapatnam, Visakhapatnam District.
3 The Sub-Inspector of Police, III Town Police Station,
Visakhapatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing the Respondents, their subordinates or any other Police Authority not to interfere with the lawful activities of the petitioner Club including playing of rummy and bridge with stakes in the petitioner Club premises by declaring the action of the Respondents in interfering with lawful activities of the Petitioner Club including playing of rummy and bridge with stakes in the petitioner Club premises by declaring the action of the Respondents in interfering with lawful

activities of the petitioner club including playing of rummy and bridge in the premises Club including playing of rummy and bridge in the premises as arbitrary, illegal and unconstitutional.

Counsel for the Petitioner:MR.T.NAGARJUNA REDDY

Counsel for the Respondents No.1 to 3: GP FOR HOME

The Court at the stage of admission made the following ORDER Petitioner is a recreation welfare association. Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in ***State of A.P. v. K. Satyanarayana***, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 do not apply to such game and it falls within the meaning of game of 'mere skill' under Section 15 of that Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of directing that the respondents shall not interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they are found to be playing any other game of skill, it shall be open to the

respondents to take such action as is open to them in law. It is also made clear that under the guise of causing inspection, the officials or advocate-commissioners shall not be posted and the activities of the club cannot be crippled. There shall be no order as to costs.

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31.01.2005

ksld

To

1 The Commissioner of Police, Visakhapatnam, Visakhapatnam

District.
2 The Assistant Commissioner of Police (North), Visakhapatnam,

Visakhapatnam District.
3 The Sub-Inspector of Police, III Town Police Station,
Visakhapatnam, Visakhapatnam District.

4 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad

(OUT).

5 Two CD copies.